

Presented by:
Presented:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. DRAFT 2023-04 vHRC

An Ordinance Establishing a City and Borough of Juneau Whistleblower Act.

WHEREAS, the Alaska Whistleblower Act (AS 39.90.100 – 150) applies to municipalities unless the municipality adopts its own whistleblower act that is substantially similar to the Alaska Whistleblower Act; and

WHEREAS, the City and Borough of Juneau has a robust conflict of interest code (CBJC 01.45), which includes a process to report potential personal and financial conflict of interest violations by employees and by members of the public (CBJC 01.45.110); and

WHEREAS, while the City and Borough of Juneau conflict of interest code overlaps with traditional whistleblower protections, an explicit local whistleblower act would help people more easily locate whistleblower protections and promote accountability in local government.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Title. Title 01 - General Provisions, is amended by adding a new chapter to read:

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2 **Chapter 01.46 - CBJ WHISTLEBLOWER ACT**

3 **01.46.010 Protection for whistleblowers.**

4 (a) The City and Borough of Juneau may not discharge, threaten, or otherwise discriminate
5 against an employee of the City and Borough of Juneau regarding the employee's compensation,
6 terms, conditions, location, or privileges of employment because:

7 (1) The employee, or a person acting on behalf of the employee, reports to a public body
8 or is about to report to a public body a matter of public concern; or

9 (2) The employee participates in a court action, an investigation, a hearing, or an
10 inquiry held by a public body on a matter of public concern.

11 (b) The City and Borough of Juneau may not disqualify an employee or other person who
12 reports a matter of public concern or participates in a proceeding connected with a matter of
13 public concern before a public body or court, because of the report or participation, from
14 eligibility to

15 (1) bid on contracts with the City and Borough of Juneau;

16 (2) receive land under a City and Borough of Juneau ordinance; or

17 (3) receive another right, privilege, or benefit.

18 (c) The provisions of this chapter do not:

19 (1) Require the City and Borough of Juneau to compensate an employee for
20 participation in a court action or in an investigation, hearing, or inquiry by a public
21 body;

22 (2) Prohibit the City and Borough of Juneau from compensating an employee for
23 participation in a court action or in an investigation, hearing, or inquiry by a public
24 body;
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2 (3) Authorize the disclosure of information that is legally required to be kept
3 confidential; or

4 (4) Diminish or impair the rights of an employee under a collective bargaining
5 agreement.

6 *State law reference—Alaska Whistleblower Act, AS 39.90.100.*
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9 **01.46.020 Limitations to whistleblower protections.**

10 (a) A person is not entitled to the protections under this chapter unless the person

11 (1) reasonably believes that the information reported is or is about to become a matter
12 of public concern; and

13 (2) reports the information in good faith.

14 (b) A person is entitled to the protections under this chapter only if the matter of public concern

15 (1) is not the result of conduct by the person seeking protection; or

16 (2) is the result of conduct by the person that was required by the City and Borough of
17 Juneau.

18
19 (c) Before an employee initiates a report on a matter of public concern under this chapter, the
20 employee shall submit a written report concerning the matter to the City and Borough of Juneau

21 Manager. However, the employee is not required to submit a written report if the employee

22 (1) believes with reasonable certainty that the activity, policy, or practice is already
23 known to the Manager;

24 (2) reasonably believes that an emergency is involved; or

25 (3) reasonably fears reprisal or discrimination as a result of disclosure.

State law reference—Alaska Whistleblower Act, AS 39.90.110.

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2 **01.46.030 Limitations to whistleblower protections.**

3 (a) A person who alleges a violation of this chapter may bring a civil action and the court may
4 grant appropriate relief.

5 (b) A person who violates or attempts to violate this chapter is also liable for a civil fine of not
6 more than \$10,000.

7 (c) A person who attempts to prevent another person from making a report or participating in
8 a matter under this chapter with intent to impede or prevent a public inquiry on the matter is
9 liable for a civil fine of not more than \$10,000.
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11 *State law reference—Alaska Whistleblower Act, AS 39.90.120.*
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13 **01.46.040 Definitions.**

14 In this chapter,

15 (1) “employee” means a person who performs a service for wages or other remuneration under
16 a contract of hire, written or oral, express or implied, for the City and Borough of Juneau;

17 (2) “matter of public concern” means
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19 (A) a violation of a state law; federal law; or municipal law, regulation, ordinance, or
20 formal policy;

21 (B) a danger to public health or safety;

22 (C) gross mismanagement, a substantial waste of funds, or a clear abuse of authority;

23 (3) “public body” includes an officer or agency of

24 (A) the federal government;

25 (B) the state;

(C) a political subdivision of the state including

- 1
- 2 (i) a municipality;
- 3 (ii) a school district; and
- 4 (iii) a regional educational attendance area;
- 5 (D) a public or quasi-public corporation or authority established by state law including
- 6 the Alaska Railroad Corporation; and
- 7
- 8 (E) the University of Alaska.

9 *State law reference—Alaska Whistleblower Act, AS 39.90.140.*

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11 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

12 Adopted this _____ day of _____, 2023.

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Beth A. Weldon, Mayor

16 Attest:

17 _____
Elizabeth J. McEwen, Municipal Clerk

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